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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,489	09/29/2003	Sergei Vasilievich Borodaev	P69119US0	8483

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EXAMINER

BRUENJES, CHRISTOPHER P

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 02/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/671,489

Applicant(s)

BORODAEV ET AL.

Examiner

Christopher P. Bruenjes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

WITHDRAWN REJECTIONS

1. The objection to the abstract of record in the Office Action mailed August 23, 2005, Page 2 Paragraph 1, has been withdrawn due to Applicant's amendments in the Paper filed December 19, 2005.
2. The objections and 35 U.S.C. 112 rejections of claims 1-12 of record in the Office Action mailed August 23, 2005, Pages 2-4 Paragraphs 2-3, have been withdrawn due to Applicant's amendment in the Paper filed December 19, 2005.
3. The 35 U.S.C. 102 rejections of claims 1-6 and 9-12 as anticipated by Strutzel of record in the Office Action mailed August 23, 2005, Pages 4-5 Paragraph 4, have been withdrawn due to Applicant's amendments in the Paper filed December 19, 2005.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the limitation "is compatible with at least 10wt% of water" renders the claim vague and indefinite because it is not understood what at least 10wt% of water is referring. Is the limitation requiring that the compound be compatible with a solution containing at least 10wt% water or perhaps a solid that contains 10wt% water? What makes up the other 90wt% that the hydrophilic compound is compatible with? Clarification is needed.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. The 35 U.S.C. 102 rejections of claims 1-2, 4-8, and 12 as anticipated by Julius are repeated for the reasons set forth in the previous Office Action mailed August 23, 2005, Pages 5-7 Paragraph 5.

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Regarding the newly added limitations, Julius teaches that the film is a single layer (col.1, 1.59-63) and teaches that the hydrophilic compound is polyvinyl alcohol or aluminum silicate. Note the limitation "is compatible with at least 10wt% of water" is given its broadest reasonable interpretation, which is that the hydrophilic compound is compatible with any material that contains 10wt% of water. All of the hydrophilic compounds taught by Julius would be compatible with some material that contains 10wt% of water.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 3 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Julius (USPN 3,329,509) in view of Strutzel (USPN 4,243,074).

Regarding claim 3, Julius teaches all that is claimed in claim 2 as shown previously, but fail to teach that the nylon is polyamide 6 or a copolyamide containing polyamide 6. However, Strutzel teaches that when using polyamides for forming sausage casings it is preferred to use polyamide 6 (col.4, 1.13-17). Therefore, it would have been obvious to one having ordinary

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skill in the art at the time Applicant's invention was made that polyamide 6 is a the preferred nylon used to form sausage casings, as taught by Strutzel.

Thus, it would have been obvious to one having ordinary skill in the art at the time Applicant's invention was made to select polyamide 6 as the nylon used in Julius since it is well known in the art that polyamide 6 is the preferred nylon used in sausage casings, as taught by Strutzel.

Regarding claims 9-11, Julius teaches all that is claimed in claim 1, but fails to teach whether the film is oriented. However, Strutzel teach that it is well known in the art of sausage casing to form the film in a non-oriented form, but that they can be oriented uniaxially or biaxially in order to obtain particular physical properties such as increased ultimate tensile strength (col.4, 1.45-50). Therefore, it would have been obvious to one having ordinary skill in the art at the time Applicant's invention was made to form sausage casing films without orientation, uniaxially oriented, or biaxially oriented depending on the intended final properties of the casing especially with regard to ultimate tensile strength, as taught by Strutzel.

Thus, it would have been obvious to one having ordinary skill in the art at the time Applicant's invention was made to

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form the film of Julius as an unoriented film, an uniaxially oriented film, or a biaxially oriented film, depending on the desired final properties of the sausage casing film, especially the ultimate tensile strength, as taught by Strutzel.

ANSWERS TO APPLICANT'S ARGUMENTS

7. Applicant's arguments regarding the objection to the abstract have been considered but they are moot since the objection has been withdrawn.

8. Applicant's arguments regarding the objections and 35 U.S.C. 112 rejections of claims 1-12 have been considered but they are moot since the rejections and objections have been withdrawn.

9. Applicant's arguments regarding the 35 U.S.C. 102 rejections of claims 1-6 and 9-12 as anticipated by Strutzel have been considered but they are moot since the rejections have been withdrawn.

10. Applicant's arguments regarding the 35 U.S.C. 102 rejections of claims 1-2, 4-8, and 12 as anticipated by Julius have been fully considered but they are not persuasive.

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In response to Applicant's argument that Julius does not inherently teach a highly dispersed phase with a linear domain size of 0.1 to 3 micrometers of hydrophilic compound in the polyamide matrix, Julius teaches specifically in Example 7 in column 4, line 5, using polyvinyl alcohol, which is soluble before heat treatment. Therefore, when Julius teaches that polyvinyl alcohol is used as the hydrophilic compound, the polyvinyl alcohol includes some embodiments in which soluble polyvinyl alcohol, hence having a low degree of saponification are used. Thus, in at least those embodiments the composition would be the same as the composition of example 3 of the instant specification, which has the claimed dispersed phase. Note that as long as one embodiment anticipates the claim, the reference anticipates the claim regardless of how many other species are named.

11. Applicant's arguments regarding the 35 U.S.C. 103 rejections of claims 7-8 over Strutzel in view of Julius have been considered but are moot since the rejections have been withdrawn.

Conclusion

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12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Bruenjes whose telephone number is 571-272-1489. The examiner can normally be reached on Monday thru Friday from 8:00am-4:30pm.

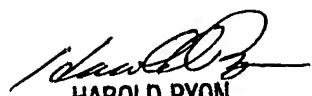
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be

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reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher P Bruenjes
Examiner
Art Unit 1772
CPB
CPB
January 24, 2006


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

1/30/06